IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 9659 of 1999

Between:

1 K. Vijaya Kumar S/o K. Suryanarayana
R/o 9, Kodandarama, 1st Lane, Old Washermenpet, Chennai - 600 021.
2 K. Ajay Kumar S/o K. Suryanarayana
R/o 9, Kodandarama, 1st Lane, Old Washermenpet, Chennai - 600 021.

..... PETITIONERS

AND

1 Govt. of A.P. Municipal Administration Department Rep. by its Secretary.
Secretariat, Hyderabad.
2 Special Deputy Collector, Land Acquisition, T.T.D.
Tirupati, Chittoor District.
3 Municipal Commissioner, Tirupati, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ of Mandamus or any other appropriate Writ or direction declaring the action of the Respondents in deleting the land belonging to the petitioners from acquisition as illegal arbitrary, *mala fide* and consequently direct the Respondents to initiate fresh proceedings under the Land Acquisition Act to initiate fresh proceedings under the Land Acquisition Act or in the alternative direct the respondents not to close the road called "Pasuvula-bata" lying in Sy.No. 736 and 705 of Tukivakam village, Renigunta Mandal, Chittoor District.

Counsel for the Petitioner: MR.O.MANOHER REDDY

Counsel for the Respondent No. 1: GP FOR GENERAL ADMINISTRATION

Counsel for the Respondent No.2: GP FOR LAND ACQUISITION.

Counsel for the Respondent No.3: Mr. M. ADINARAYANA RAO

The Court made the following:

Oral order:-

This writ petition is filed seeking direction to the respondents to initiate fresh proceedings under the Land Acquisition Act or in the alternative direct the respondents not to close the road called ‘pasuvula-bata’ lying in survey Nos. 736 and 705 of Tukivakam village, Renigunta mandal, Chittor district by declaring the action of the respondents in deleting the land belonging to the petitioners from acquisition as illegal.

In response to the notice, counter affidavit is filed inter alia contending that in unequivocal terms the land of the petitioner was excluded. It is made clear that the respondents have left the Pasuvula bata in survey Nos. 736 and 705 of Tukivakam village and has not been closed and the petitioner can use this rasta, as it is a Government land and that there is no mala fide intention to deprive the petitioner’s right to enjoy the land.

In view of the averments made in the counter affidavit, nothing survives for adjudication in the writ petition. Accordingly, the writ petition is dismissed. No costs.

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ELIPE DHARMA RAO, J

Dt. 14-07-2005

Pvks/*

To

1. The Secretary , Municipal Administration Department, Government of A.P., Secretariat, Hyderabad.
2 Special Deputy Collector, Land Acquisition, T.T.D. Tirupati, Chittoor District.
3 Municipal Commissioner, Tirupati, Chittoor District.

4. 2 CCs., to the learned Government Pleader for General Administration, A.P. High Court Buildings, Hyderabad (OUT).

5. 2 CCs., to the learned Government Pleader for Land Acquisition, A.P. High Court Buildings, Hyderabad (OUT).

6. 2 CD copies

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